

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

HECTOR LUIS MARTINEZ MARTINEZ

DEBTOR

CASE NO. 19- 06685 ESL

CHAPTER 13

DEBTOR'S MOTION SUBMITTING AMENDED SCHEDULES A/B & C

TO THE HONORABLE COURT:

COMES NOW debtor through the undersigned attorney and very respectfully states and prays as follows:

1. On November 14, 2019 the debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code. See docket entry no. 1.
2. The debtor is hereby amending Schedule A/B to disclosed that the 2006 Honda Accord and 2001 Honda Civic are owned by the debtor but these two vehicles are under a third party and Schedule C to claim the amounts exempt.
3. The debtor is attaching to this motion an Amended Declaration about an Individual Debtor's Schedules in compliance with LBR 1009-1.

WHEREFORE, debtor requests from this Honorable Court to take notice of the preceding amendments.

RESPECTFULLY SUBMITTED

In Caguas, Puerto Rico, this 5 day of February 2020.

NOTICE: Within **fourteen (14) days** after service as evidenced by the certification, and an additional **three (3) days** pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I certify that on this same date the foregoing document has been electronically filed with the Clerk of the Court using the CM/ECF system which sends notification of such filing to all system's participants. I further certify that this motion has been served through the first-class mail to all non-system participants, as per the attached mailing list.



/s/ CARLOS A. RUIZ RODRIGUEZ, ESQ.
USDC-PR 210009 / Attorney for Debtor
P.O. Box 1298, Caguas, PR 00726-1298
Phone: (787) 286-9775 / Fax: (787) 747-2174
carlosalbertoruizquebras@gmail.com

Fill in this information to identify your case:

Debtor 1 HECTOR LUIS MARTINEZ-MARTINEZ
 Debtor 2 _____
 (Spouse, if filing)
 United States Bankruptcy Court for the District of Puerto Rico
 Case number 19-06685
 (If known)

☒ Check if this is an amended filing

Official Form 106A/B

Amended Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land or Other Real Estate You Own or Have an Interest in

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- ☒ No. Go to Part 2.
☐ Yes. Where is the property?

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.

| |
|--|
| |
|--|

Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on Schedule G: Executory Contracts and Unexpired Leases.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

- ☐ No.
☒ Yes.

3.1 Make: HONDA
 Model: ACCORD EX-L
 Year: 2015
 Approximate mileage: 75836
 Other information:

Who has an interest in the property? Check one
☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

| Current value of the entire property? | Current value of the portion you own? |
|---------------------------------------|---------------------------------------|
| \$13,536.00 | \$13,536.00 |

3.2 Make: HONDA
 Model: CIVIC DX
 Year: 2001
 Approximate mileage: 156911
 Other information: ; OWNED BY THE DEBTOR BUT UNDER A THIRD PARTY BECAUSE DO NOT MAKE THE TRANSFER WITH DTOP

Who has an interest in the property? Check one
☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

| Current value of the entire property? | Current value of the portion you own? |
|---------------------------------------|---------------------------------------|
| \$1,634.00 | \$1,634.00 |

Debtor 1 HECTOR LUIS MARTINEZ-MARTINEZ

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3.3 Make: HONDA
Model: ACCORD EX
Year: 2006
Approximate mileage: 160531
Other information: ; OWNED BY THE DEBTOR BUT UNDER A THIRD PARTY BECAUSE DO NOT MAKE THE TRANSFER WITH DTOP

Who has an interest in the property? Check one
☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

| Current value of the entire property? | Current value of the portion you own? |
|---------------------------------------|---------------------------------------|
| \$3,646.00 | \$3,646.00 |

3.4 Make: KTM
Model: 250
Year: 2018
Approximate mileage: _____
Other information: _____

Who has an interest in the property? Check one
☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☒ At least one of the debtors and another
☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

| Current value of the entire property? | Current value of the portion you own? |
|---------------------------------------|---------------------------------------|
| \$6,000.00 | \$6,000.00 |

3.5 Make: KARAVAN
Model: TRLRS - TRAILER
Year: 2018
Approximate mileage: _____
Other information: _____

Who has an interest in the property? Check one
☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

| Current value of the entire property? | Current value of the portion you own? |
|---------------------------------------|---------------------------------------|
| \$500.00 | \$500.00 |

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories
Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

☒ No.
☐ Yes.

5. Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here

\$25,316.00

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items? (List the current value of the portion you own. Do not deduct secured claims or exemptions)

6. Household goods and furnishings

Examples: Major appliances, furniture, linens, china, kitchenware

☐ No
☒ Yes (1 SET OF BEDROOM \$500.00, D1) \$500.00

7. Electronics

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

☐ No
☒ Yes (2 CELLPHONES; 1 TV \$500.00, D1) \$500.00

8. Collectibles of value

Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

☒ No
☐ Yes

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9. Equipment for sports and hobbies

Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

- ☒ No
☐ Yes

10. Firearms

Examples: Pistols, rifles, shotguns, ammunition, and related equipment

- ☐ No
☒ Yes (GLOCK .26; GLOCK .23; RIFLE R15 \$2,100.00, D1)

\$2,100.00

11. Clothes

Examples: Everyday clothes, furs, leather coats, designer wear, shoes, accessories

- ☐ No
☒ Yes (WEARING CLOTHES \$900.00, D1)

\$900.00

12. Jewelry

Examples: Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver

- ☐ No
☒ Yes (JEWELRY \$350.00, D1)

\$350.00

13. Non-farm animals

Examples: Dogs, cats, birds, horses

- ☒ No
☐ Yes

14. Any other personal and household items you did not already list, including any health aids you did not list

- ☒ No
☐ Yes

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here

\$4,350.00

Part 4: Describe Your Financial Assets

Do you own or have any legal or equitable interest in any of the following? (List the current value of the portion you own. Do not deduct secured claims or exemptions)

16. Cash

Examples: Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

- ☐ No
☒ Yes CASH ON HAND \$20.00 (D1)

\$20.00

17. Deposits of money

Examples: Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

- ☐ No
☒ Yes BPPR CHECKING ACCT #2336 \$27.49 (D1)

\$27.49

GURACOP SHARES ACCT #3339 \$1,517.25 (D1) **\$1,517.25**

COOP LA ORIENTAL SHARES ACCT #8026 \$20.00 (D1) **\$20.00**

BPPR SAVINGS ACCT #2336 \$5.00 (D1) **\$5.00**

COOP LA ORIENTAL SAVINGS ACCT #8026 \$161.07 (D1) **\$161.07**

18. Bonds, mutual funds, or publicly traded stocks*Examples: Bond funds, investment accounts with brokerage firms, money market accounts*☒ No☐ Yes

\$0.00

19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture☒ No☐ Yes

\$0.00

20. Government and corporate bonds and other negotiable and non-negotiable instruments*Negotiable instruments include personal checks, cashiers' checks, promissory notes, and money orders.**Non-negotiable instruments are those you cannot transfer to someone by signing or delivering them.*☒ No☐ Yes

\$0.00

21. Retirement or pension accounts*Examples: Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans*☐ No☒ Yes COSTCO RETIREMENT PLAN \$11,737.27 (D1) \$11,737.27**22. Security deposits and prepayments***Your share of all unused deposits you have made so that you may continue service or use from a company.**Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others*☐ No☒ Yes PRASA \$150.00 (D1) \$150.00**23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)**☒ No☐ Yes

\$0.00

24. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified state tuition plan as defined in 26 U.S.C. § 529(b)(1).☒ No☐ Yes

\$0.00

25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit☒ No☐ Yes

\$0.00

26. Patents, copyrights, trademarks, trade secrets, and other intellectual property*Examples: Internet domain names, websites, proceeds from royalties and licensing agreements*☒ No☐ Yes

\$0.00

27. Licenses, franchises, and other general intangibles*Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses*☒ No☐ Yes

\$0.00

28. Tax refunds owed to you*Give specific information about them, including whether you already filed the returns and the tax years*☒ No☐ Yes

\$0.00

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29. Family support

Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

☒ No
☐ Yes **\$0.00**

30. Other amounts someone owes you

Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

☒ No
☐ Yes **\$0.00**

31. Interests in insurance policies

Examples: Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance. Name the insurance company of each policy and the beneficiary, and list its value

☒ No
☐ Yes **\$0.00**

32. Any interest in property that is due you from someone who has died

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

☒ No
☐ Yes **\$0.00**

33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment

Examples: Accidents, employment disputes, insurance claims, or rights to sue

☒ No
☐ Yes **\$0.00**

34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims

☒ No
☐ Yes **\$0.00**

35. Any financial assets you did not already list

☒ No
☐ Yes **\$0.00**

36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here

\$13,638.08

Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.

37. Do you own or have any legal or equitable interest in any business-related property?

☒ No. Go to part 6.
☐ Yes. Go to line 38.

Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.
 If you own or have an interest in farmland, list it in Part 1.

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?

☒ No. Go to part 7.
☐ Yes. Go to line 47.

Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above

Debtor 1 HECTOR LUIS MARTINEZ-MARTINEZ

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53. Do you have other property of any kind you did not already list?

Examples: Season tickets, country club membership

☒ No

☐ Yes

\$0.00

54. Add the dollar value of all of your entries from Part 7, including any entries for pages you have attached for Part 7. Write that number here

Part 8: List the Totals of Each Part of this Form

| | |
|------------------------------------------------------------------|--------------------|
| 55. Part 1: Total real estate, line 2 | |
| 56. Part 2: Total vehicles, line 5 | \$25,316.00 |
| 57. Part 3: Total personal and household items, line 15 | \$4,350.00 |
| 58. Part 4: Total financial assets, line 36 | \$13,638.08 |
| 59. Part 5: Total business-related property, line 45 | |
| 60. Part 6: Total farm- and fishing-related property, line 52 | |
| 61. Part 7: Total other property not listed, line 54 | |
| 62. Total personal property. Add lines 56 through 61 | \$43,304.08 |
| 63. Total of all property on Schedule A/B. Add line 55 + line 62 | \$43,304.08 |

Fill in this information to identify your case:

Debtor 1 HECTOR LUIS MARTINEZ-MARTINEZ

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the District of Puerto Rico

Case number 19-06685
(If known)

☒ Check if this is an amended filing

Official Form 106C

Amended Schedule C: The Property You Claim as Exempt 04/19

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- ☐ You are claiming PR state exemptions and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
☒ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on Schedule A/B that you claim as exempt, fill in the information below.

| Brief description of the property and line on Schedule A/B that lists this property | Current value of the portion you own <i>Copy the value from Schedule A/B</i> | Amount of the exemption you claim <i>Check only one box for each exemption</i> | Specific laws that allow exemption |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 2001 HONDA CIVIC (Line 3) | \$1,634.00 | <input checked="" type="checkbox"/> \$1,634.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(2) |
| 2006 HONDA ACCORD EX (Line 3) | \$3,646.00 | <input checked="" type="checkbox"/> \$3,646.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(5) |
| HANDCAR - 1 AXIS & 2 WHEEL (Line 3) | \$500.00 | <input checked="" type="checkbox"/> \$500.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(5) |
| 1 SET OF BEDROOM (Line 6) | \$500.00 | <input checked="" type="checkbox"/> \$500.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(3) |
| 2 CELLPHONES; 1 TV (Line 7) | \$500.00 | <input checked="" type="checkbox"/> \$500.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(3) |
| GLOCK .26; GLOCK .23; RIFLE R15 (Line 10) | \$2,100.00 | <input checked="" type="checkbox"/> \$2,100.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(5) |

Debtor 1 HECTOR LUIS MARTINEZ-MARTINEZ

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| Brief description of the property and line on Schedule A/B that lists this property | Current value of the portion you own <i>Copy the value from Schedule A/B</i> | Amount of the exemption you claim <i>Check only one box for each exemption</i> | Specific laws that allow exemption |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| WEARING CLOTHES (Line 11) | \$900.00 | <input checked="" type="checkbox"/> \$900.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(3) |
| JEWELRY (Line 12) | \$350.00 | <input checked="" type="checkbox"/> \$350.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(4) |
| CASH ON HAND (Line 16) | \$20.00 | <input checked="" type="checkbox"/> \$20.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(5) |
| BPPR CHECKING ACCT #2336 (Line 17) | \$27.49 | <input checked="" type="checkbox"/> \$27.49 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(5) |
| BPPR SAVINGS ACCT #2336 (Line 17) | \$5.00 | <input checked="" type="checkbox"/> \$5.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(5) |
| COOP LA ORIENTAL SAVINGS ACCT #8026 (Line 17) | \$161.07 | <input checked="" type="checkbox"/> \$161.07 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(5) |
| COOP LA ORIENTAL SHARES ACCT #8026 (Line 17) | \$20.00 | <input checked="" type="checkbox"/> \$20.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(5) |
| COSTCO RETIREMENT PLAN (Line 21) | \$11,737.27 | <input checked="" type="checkbox"/> \$11,737.27 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(12) |
| PRASA (Line 22) | \$150.00 | <input checked="" type="checkbox"/> \$150.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | 11 U.S.C. § 522(d)(5) |
| Total | \$22,250.83 | \$22,250.83 | |

3. Are you claiming a homestead exemption of more than \$170,350.00?

(Subject to adjustment on 04/01/2022 and every 3 years after that for cases filed on or after the date of adjustment.)

☒ No

☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?

☐ No

☐ Yes

Fill in this information to identify your case:

Debtor 1 HECTOR LUIS MARTINEZ-MARTINEZ
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court for the District of Puerto Rico
Case number 19-06685
(If known)

☒ Check if this is an amended filing

Official Form 106Dec

Amended Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

- ☒ No
☐ Yes. Name of person N/A. Attach *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

/s/ HECTOR LUIS MARTINEZ-MARTINEZ
Signature of Debtor 1

02/05/2020
Date

Signature of Debtor 2

02/05/2020
Date